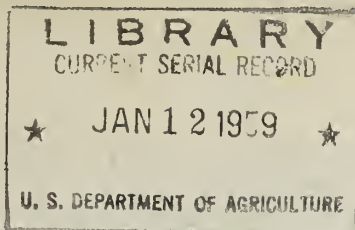


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FSA-25

November 1958

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1957, to June 30, 1958) (421-443)

421. False labeling of ryegrass seed. U. S. v. Cook-Lees & Company, Portland, Oregon. (FS 764)

Cook-Lees & Company, on August 5, 1953, delivered for transportation in interstate commerce from Lebanon, Oregon, to North Little Rock, Arkansas, 600 bags of ryegrass seed.

Information was filed in the United States District Court for the District of Oregon alleging that Cook-Lees & Company did unlawfully deliver for transportation in interstate commerce at least 469 bags of this seed in violation of the Federal Seed Act.

Labels attached to at least 469 bags of this seed represented the seed to contain no noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 180 per pound. In addition, the labels attached to the bags represented each bag to be a part of one lot of seed; whereas, tests made on 19 individual bag samples showed the noxious-weed seed content to vary from no sheep sorrel seeds present to 547 per pound.

On November 14, 1957, Cook-Lees & Company entered a plea of guilty and the court imposed a fine of \$100.

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422. Failure to label rye seed. U. S. v. Frank Clendaniel, Inc., Lincoln, Delaware. (FS 775)

Frank Clendaniel, Inc., on September 16, 1953, transported in interstate commerce from Lincoln, Delaware, to Norfolk, Virginia, 250 bags of rye seed.

Information was filed in the United States District Court for the District of Delaware alleging that Frank Clendaniel, Inc. did unlawfully transport in interstate commerce at least 24 bags of this seed in violation of the Federal Seed Act.

Labels were not attached to at least 24 bags of this seed to show the information required under the Federal Seed Act. This seed, when tested in November 1953, was found to have a germination of 17 percent. The failure to label the seed, therefore, concealed the true quality of the seed.

On September 5, 1957, Frank Clendaniel, Inc. entered a plea of guilty on one count and the court imposed a fine of \$100. Two additional counts alleging that a false representation was made with respect to the quality of the seed and that the firm failed to keep a complete record as required under the Federal Seed Act were dismissed by the court.

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423. Failure to label ryegrass seed. Excessive noxious-weed seeds. U. S. v. Cook-Lees & Company, Portland, Oregon. (FS 778)

Cook-Lees & Company, on September 16, 1953, delivered for transportation in interstate commerce from Halsey, Oregon, to North Little Rock, Arkansas, 550 bags of ryegrass seed.

Information was filed in the United States District Court for the District of Oregon alleging that Cook-Lees & Company did unlawfully deliver for transportation in interstate commerce at least 36 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented this seed to be "Seed for Processing"; whereas, the seed was not intended for processing. Labels showing the detailed information required under the Federal Seed Act were not attached to the bags. The seed in 7 bags was found to contain the noxious-weed seed, sheep sorrel, at the rate of 4,554 per pound. At the time of this shipment, agricultural seed containing in excess of 500 sheep sorrel per pound was prohibited from sale in the State of Arkansas and therefore was prohibited from shipment into that State under the Federal Seed Act.

On November 14, 1957, Cook-Lees & Company entered a plea of guilty and the court imposed a fine of \$100.

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424. False labeling of Korean lespedeza seed. Excessive noxious-weed seeds. U. S. v. Wallace Seed Company, Jackson, Tennessee. (FS 785 and 786)

Wallace Seed Company, during the period from January 8, 1954, through January 13, 1954, transported in interstate commerce from Nashville, Tennessee, to various points in Alabama, 320 bags of lespedeza seed.

Information was filed in the United States District Court for the Middle District of Tennessee alleging that Wallace Seed Company did unlawfully transport in interstate commerce at least 143 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seeds, dodder, horsenettle, and curled dock, at the rate of 45, 45, and 9 per pound, respectively. The seed in 55 bags was found to contain the noxious-weed seeds, dodder, horsenettle, buckhorn plantain, and bottlebrush

plantain, at the rate of 198, 117, 108, and 387 per pound, respectively, or a total of 810 per pound. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Alabama and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed in 39 bags was found to contain the noxious-weed seeds, horsenettle, buckhorn plantain, and bottlebrush plantain, at the rate of 126, 90, and 90 per pound, respectively. The seed in 24 bags was found to contain the noxious-weed seed, dodder, at the rate of 216 per pound. The seed in 25 bags was found to contain the noxious-weed seed, bottlebrush plantain, at the rate of 117 per pound.

On October 15, 1957, Wallace Seed Company entered a plea of nolo contendere on seven counts and the court imposed a fine of \$15.

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425. False labeling of mixed grass seed. U. S. v. Pedigreed Seed Company, Jersey City, New Jersey. (FS 807)

Pedigreed Seed Company, on December 29, 1954, delivered for transportation in interstate commerce from Jersey City, New Jersey, to Tampa, Florida, 20 bags of mixed grass seed.

Information was filed in the United States District Court for the District of New Jersey alleging that Pedigreed Seed Company did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to disclose the presence of the noxious-weed seed, sheep sorrel; whereas, this seed was found to contain sheep sorrel seeds at the rate of 360 per pound.

On March 8, 1957, Pedigreed Seed Company entered a plea of guilty and the court imposed a fine of \$380.

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426. Failure to keep a complete record. U. S. v. Lankart Seed Farms, Ltd., Waco, Texas. (FS 809)

Lankart Seed Farms, Ltd., during the period January 19, 1956, through March 9, 1956, delivered for transportation in interstate commerce from Waco, Texas, to various points in Oklahoma, 740 bags of cotton seed.

Information was filed in the United States District Court for the Western District of Texas alleging that Lankart Seed Farms, Ltd. did unlawfully deliver for transportation in interstate commerce at least 470 bags of this seed in violation of the Federal Seed Act, and failed to keep a complete record of the germination of this seed as required under the act.

Labels attached to 53 bags of this seed represented the seed to have a germination of 85 percent; whereas, a sample representing this seed when tested in April 1956 was found to have a germination of 68 percent. Labels attached to the remainder of the shipments represented the seed to have a germination of 80 percent; whereas, samples representing 30, 75, 75, 75, 50, 72, and 60 bags of this seed when tested in February, March, and April 1956 were found to have a germination of 53, 61, 56, 55, 57, 56, and 49 percent, respectively.

A complete record of the germination of this seed was not kept and made accessible on June 5, 1956, by the Lankart Seed Farms, Ltd. as required under the Federal Seed Act.

On November 29, 1957, Lankart Seed Farms, Ltd. entered a plea of nolo contendere to four counts of failure to keep a complete record and the court imposed a fine of \$250 on each count, or a total of \$1,000. Eight additional counts alleging false labeling with respect to the percentage of germination and one count of failure to keep a complete record were dismissed by the court.

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427. False labeling of hairy vetch seed. U. S. v. Martin-Lane Company, Vernon, Texas. (FS 815)

Martin-Lane Company, on August 24, 1956, transported in interstate commerce from Vernon, Texas, to Frederick, Oklahoma, 50 bags of hairy vetch seed.

Information was filed in the United States District Court for the Northern District of Texas alleging that Martin-Lane Company did unlawfully transport in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record of the purity of this seed as required under the act.

Labels attached to the bags represented the seed to contain no noxious-weed seed; whereas, the seed was found to contain the noxious-weed seed, Johnsongrass, at the rate of 21 per pound. In addition, a complete record, including a file sample of sufficient size for a noxious-weed seed examination, was not kept and made accessible as required under the Federal Seed Act.

On October 24, 1957, Martin-Lane Company entered a plea of guilty to the information alleging false labeling and the court imposed a fine of \$200. An additional count alleging failure to keep a complete record was dismissed by the court.

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428. False labeling of soybean seed. U. S. v. West View Grain Company, Pocahontas, Iowa. (FS 817)

West View Grain Company, on March 29, and April 10, 1956, delivered for

transportation in interstate commerce from Pocahontas, Iowa, to Chillicothe, Missouri, and Browning, Missouri, 223 bags and 218 bags of soybean seed, respectively.

Information was filed in the United States District Court for the Northern District of Iowa alleging that West View Grain Company did unlawfully deliver for transportation in interstate commerce at least 83 bags and 49 bags of this seed in violation of the Federal Seed Act.

Labels attached to 83 bags of the soybean seed shipped to Chillicothe, Missouri, on March 29, 1956, represented the seed to have a germination of 85 percent; whereas, this seed when tested in June 1956 was found to have a germination of 56 percent.

Labels attached to 49 bags of the soybean seed shipped to Browning, Missouri, on April 10, 1956, represented the seed to have a germination of 85 percent; whereas, this seed when tested in May 1956 was found to have a germination of 17 percent.

On October 15, 1957, West View Grain Company entered a plea of guilty on both counts and the court imposed a fine of \$50 on one count and \$100 on the other, or a total of \$150.

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429. False labeling of bean seed. U. S. v. 1,502 bags, more or less, of bean seed. (FS 818)

Klein Bros., Stockton, California, on April 4 and 5, 1957, delivered for transportation in interstate commerce from Stockton, California, to Coop. G. L. F. Marketing Services, Inc., Canandaigua, New York, 1,552 bags of bean seed.

A libel was filed in the United States District Court for the District of New York requesting seizure of 1,502 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 91 percent; whereas, this seed when tested in June 1957 was found to have germinations of 71 and 72 percent. The seed was seized by the United States marshal.

On July 10, 1957, the seed was released to a claimant with the provision that it be disposed of for use other than seed.

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430. False labeling of timothy seed. U. S. v. D. R. Mayo Seed Company, Knoxville, Tennessee. (Civil FS 819)

D. R. Mayo Seed Company, on July 24, 1956, transported in interstate commerce from Knoxville, Tennessee, to Clayton, Georgia, seven bags of timothy seed.

Information was filed in the United States District Court for the Eastern District of Tennessee alleging that D. R. Mayo Seed Company did unlawfully transport in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags failed to disclose the presence of the noxious-weed seed, sheep sorrel; whereas, this seed was found to contain sheep sorrel seeds at the rate of 3% per pound.

On February 10, 1958, D. R. Mayo Seed Company agreed to a settlement by payment of \$250, which was approved by the court.

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431. False labeling of cowpea seed and soybean seed and failure to keep a complete record. U. S. v. Kirkland Distributing Company, Inc., Columbia, South Carolina.

Kirkland Distributing Company, Inc., on December 23, 1955, and January 10, 1956, transported in interstate commerce from Columbia, South Carolina, to Rowland, North Carolina, 50 bags of cowpea seed, 56 bags of soybean seed, and 100 bags of cowpea seed.

Information was filed in the United States District Court for the Eastern District of South Carolina alleging that Kirkland Distributing Company, Inc. did unlawfully transport in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act, and failed to keep and make accessible a complete record of the purity and germination of one lot as required under the act.

Labels attached to the 50 bags of cowpea seed represented the seed to consist of 99.00 percent pure seed and 1.00 percent inert matter; whereas, this seed was found to consist of 92.10 percent pure seed and 7.03 percent inert matter.

Labels attached to the 56 bags of soybean seed represented the seed to consist of 99.00 percent pure seed and no other crop seed; whereas, this seed was found to consist of 92.39 percent pure seed and 5.92 percent other crop seed, consisting of cowpea seed.

Labels attached to the 100 bags of cowpea seed represented the seed to consist of 99.00 percent pure seed and 1.00 percent inert matter, and also represented the seed to have a germination of 90 percent; whereas, this seed was found to consist of 92.69 percent pure seed and 7.14 percent inert matter, and to have a germination of 65 percent with 30 percent hard seed remaining.

A complete record of the purity and germination of the 100-bag lot of cowpea seed was not kept and made accessible by Kirkland Distributing Company, Inc., on June 26, 1956, as required under the Federal Seed Act.

On October 28, 1957, Kirkland Distributing Company, Inc., entered a plea of nolo contendere and the court imposed a fine of \$250.

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432. False labeling of Chewings fescue seed. U. S. v. The Albert Dickinson Company, Chicago, Illinois. (FS 821)

The Albert Dickinson Company, on May 25, 1956, June 11, 1956, and June 6, 1956, delivered for transportation in interstate commerce from Chicago, Illinois, to Detroit and Saginaw, Michigan, 10 bags and 4 bags of Chewings fescue seed, respectively.

Information was filed in the United States District Court for the Northern District of Illinois alleging that The Albert Dickinson Company did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed in each shipment to have a germination of 80 percent; whereas, the seed in 6 bags shipped to Detroit, Michigan, when tested in July 1956 was found to have a germination of 57 percent, and the seed in 4 bags shipped to Saginaw, Michigan, when tested in October 1956 was found to have a germination of 38 percent.

On April 7, 1958, the Albert Dickinson Company entered a plea of nolo contendere to two counts and the court imposed a fine of \$200.

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433. Incomplete labeling, false advertising, and false labeling of various kinds and mixtures of kinds of seed and failure to keep a complete record. U. S. v. Watts Seed Company, Parma, Idaho. (FS 822)

Watts Seed Company, on April 5, 1956, delivered for transportation in interstate commerce through the United States mails from Parma, Idaho, to Fossil, Oregon, four bags of various kinds and mixtures of kinds of seed.

Information was filed in the United States District Court for the District of Idaho alleging that Watts Seed Company did unlawfully deliver for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record of the seed as required under the act.

One 5-pound bag of mixed seed did not bear a label giving information as required under the Federal Seed Act. Advertising previously disseminated through the mails advertised the seed to consist, in part, of intermediate

wheatgrass, crested wheatgrass, and Sherman big bluegrass; whereas, the seed did not contain any intermediate wheatgrass, crested wheatgrass, or Sherman big bluegrass.

One 10-pound bag of seed was not completely labeled to show the date of germination test for each kind of seed present in excess of 5 percent, the percentage of other crop seed, the percentage of inert matter, the percentage of weed seed, and the name and rate of occurrence of each kind of noxious-weed seed present. A label attached to the bag represented the seed mixture to consist, in part, of 10 percent each of "Millet" seed, "Michaels" rye seed, "Vetch" seed, "Medium" red clover seed, "Rye Gr., domestic" seed, and represented the millet seed and vetch seed each to have a germination of 90 percent; whereas, this seed was found to consist, in part, of 19.03 percent fox-tail millet seed having a germination of 42 percent when tested in April 1956, 15.40 percent rye seed, 7.95 percent hairy vetch seed having a germination of 61 percent when tested in April 1956, 7.42 percent common vetch seed, 5.72 percent red clover seed, and 7.74 percent Italian ryegrass seed.

One 10-pound bag of seed was not completely labeled to show the name of each kind of seed present in excess of 5 percent together with the percentage of germination and the date of the germination test, the percentage of other crop seed, the percentage of inert matter, the percentage of weed seed, and the names and rates of occurrence of noxious-weed seeds present.

One 10-pound bag of seed was not completely labeled to show the percentage of pure seed, the percentage of other crop seed, the percentage of inert matter, the percentage of weed seed, the percentage of germination, and the date of the germination test.

A complete record of the purity and germination of these lots of seed was not kept and made accessible on June 21, 1956, by Watts Seed Company as required under the Federal Seed Act.

On August 28, 1957, Watts Seed Company entered a plea of guilty to two counts alleging false advertising and false and incomplete labeling. The court imposed a fine of \$50 on each count, or a total of \$100. A third count alleging failure to keep a complete record was dismissed.

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434. False advertising and false labeling of oat seed. U. S. v. Klingaman Seed Grain Company, Inc., Waterloo, Iowa. (FS 825)

Klingaman Seed Grain Company, Inc., on September 12, 1955, delivered for transportation in interstate commerce from McDowell, Illinois, to three farmers in Missouri, 11 bags of oat seed.

Information was filed in United States District Court for the Southern District of Illinois alleging that Klingaman Seed Grain Company, Inc., did unlawfully deliver for transportation in interstate commerce the above-

mentioned shipment of seed in violation of the Federal Seed Act.

Said oat seed when delivered for transportation in interstate commerce had been advertised by a salesman of Klingaman Seed Grain Company to be "certified" seed; whereas, the seed was not "certified" seed.

Labels attached to 2 bags represented the seed to have a germination of 90 percent; whereas, the seed when tested in October 1955 was found to have a germination of 60 percent.

On November 7, 1957, Klingaman Seed Grain Company, Inc. entered a plea of guilty and the court imposed a fine of \$150 and costs.

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435. False labeling of tall fescue seed. U. S. v. J. E. Kelley & Sons Seed Company, Gallatin, Tennessee. (Civil FS 828)

J. E. Kelley & Sons Seed Company, on September 14, 1956, transported in interstate commerce from Gallatin, Tennessee, to Cooper, Texas, 500 bags of tall fescue seed.

Information was filed in the United States District Court for the Middle District of Tennessee alleging that J. E. Kelley & Sons Seed Company did unlawfully transport in interstate commerce at least 380 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed in 380 bags when tested in October, November, and December 1956 was found to have a germination of from 0 to 3 percent.

On June 30, 1958, J. E. Kelley & Sons Seed Company agreed to a settlement by payment of \$100 and \$27.60 costs, which was approved by the court.

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436. False labeling of wheat and oat seed and failure to keep a complete record. U. S. v. The Wax Company, Amory, Mississippi. (FS 829)

The Wax Company, on January 5, 1955, transported in interstate commerce from Amory, Mississippi, to Marianna, Arkansas, 8 bags of wheat seed and on October 16, 1956, delivered for transportation from Amory, Mississippi, to Red Bay, Alabama, 15 bags of oat seed.

Information was filed in the United States District Court for the Northern District of Mississippi alleging that The Wax Company did unlawfully transport and deliver for transportation in interstate commerce at least 4 bags of wheat seed and 15 bags of oat seed in violation of the Federal Seed Act.

Labels attached to at least 4 bags of the wheat seed represented the seed to be the "Chancellor" variety of wheat; whereas, this seed when grown produced plants, none of which were the Chancellor variety of wheat. In addition, a complete record of the purity of this lot of seed was not kept and made accessible on June 29, 1956, by The Wax Company as required under the Federal Seed Act.

Labels attached to the bags of oat seed represented the seed to consist,

in part, of 99.00 percent "Red Rust Resistant" variety of oat seed; whereas, this seed was found to consist, in part, of 39.39 percent Red Rust Resistant variety of oat seed.

On April 7, 1958, The Wax Company entered a plea of nolo contendere and the court imposed a fine of \$500.

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437. False labeling of wheat seed. U. S. v. A. J. Evans Marketing Agency, Inc., Fort Valley, Georgia. (Civil FS 833)

A. J. Evans Marketing Agency, Inc., from October 8 through 13, 1956, delivered for transportation in interstate commerce from Fort Valley, Georgia, to Blytheville, Arkansas, 854 bags of wheat seed.

Information was filed in the United States District Court for the Middle District of Georgia alleging that A. J. Evans Marketing Agency, Inc. did unlawfully deliver for transportation in interstate commerce at least 388 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 93.50 percent; whereas, the seed in 225 bags, when tested in October 1956 was found to have a germination of 67 percent, and the seed in 163 bags, when tested in October 1956, was found to have a germination of 28 percent.

On April 1, 1958, A. J. Evans Marketing Agency, Inc. entered a consent to judgment and the court assessed a judgment of \$25 plus costs of \$42.20.

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438. False labeling of mixed grass seed and failure to keep a complete record. U. S. v. Johnston Seed Company, Enid, Oklahoma. (FS 834)

Johnston Seed Company, on February 8 and 23, 1956, delivered for transportation in interstate commerce from Enid, Oklahoma, to Clay Center, Kansas, and Ashland, Kansas, 113 bags and 29 bags, respectively, of mixed grass seed.

Information was filed in the United States District Court for the Western District of Oklahoma alleging that Johnston Seed Company did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record as required under the act.

Labels attached to the 113 bags shipped to Clay Center, Kansas, represented the seed to contain no noxious-weed seed and represented the little bluestem seed to have a germination of 61 percent, the big bluestem seed to have a germination of 68 percent, and the seed to consist, in part, of 0.87 percent weed seed. This seed was found to contain the noxious-weed seed, chess, at the rate of 286 per pound. The little bluestem seed was found to have a germination of 26 percent and the big bluestem seed to have a germination of 27 percent when tested in April 1956, and the seed was found to consist, in part, of 10.62 percent weed seed.

Labels attached to the 29 bags of the mixed grass seed shipped to Ashland, Kansas, represented the seed to contain no noxious-weed seed and to consist, in part, of 0.67 percent weed seed. The little bluestem seed

was represented to have a germination of 68 percent and the big bluestem seed to have a germination of 65 percent. This seed was found to contain the noxious-weed seed, chess, at the rate of 328 per pound and to consist, in part, of 6.69 percent weed seed. The little bluestem seed was found to have a germination of 40 percent and the big bluestem seed was found to have a germination of 37 percent when tested in April 1956.

A complete record of the purity and germination of these two shipments of seed was not kept and made accessible on May 29, 1956, by Johnston Seed Company as required under the Federal Seed Act.

On December 27, 1957, Johnston Seed Company entered a plea of nolo contendere and on April 8, 1958, the court imposed a fine of \$100 on each of four counts, or a total of \$400.

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439. False labeling of orchardgrass seed. U. S. v. Lipscomb Brothers, Inc., Springfield, Missouri. (Civil FS 838)

Lipscomb Brothers, Inc., on March 20 and 25, 1957, delivered for transportation in interstate commerce from Springfield, Missouri, to Huntsville, and Harrison, Arkansas, 5 bags and 15 bags of orchardgrass seed.

Information was filed in the United States District Court for the Western District of Missouri alleging that Lipscomb Brothers, Inc. did unlawfully deliver for transportation in interstate commerce 5 bags and 12 bags of this seed in violation of the Federal Seed Act.

Labels attached to the 5 bags of seed shipped to Huntsville, Arkansas, represented the seed to have a germination of 85 percent; whereas, the seed in 4 bags when tested in April 1957 was found to have a germination of 51 percent.

Labels attached to 12 bags of the seed shipped to Harrison, Arkansas, represented the seed to have a germination of 85 percent; whereas, this seed when tested in April 1957 was found to have a germination of 50 percent.

On March 24, 1958, Lipscomb Brothers, Inc. entered a consent to judgment and the court assessed a judgment of \$25 on each count, or a total of \$50.

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440. False labeling of oat seed. U. S. v. Northrup, King & Company, Minneapolis, Minnesota. (Civil FS 839)

Northrup, King & Company, Minneapolis, Minnesota, on March 4 and 5, 1957, delivered for transportation in interstate commerce from Minneapolis, Minnesota, to Dodgeville and Brodhead, Wisconsin, 14 and 32 bags of oat seed.

Information was filed in the United States District Court for the

District of Minnesota alleging that Northrup, King & Company did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to 14 bags of the seed shipped to Dodgeville, Wisconsin, represented the seed to have a germination of 90 percent; whereas, this seed when tested in May 1957 was found to have a germination of 66 percent.

Labels attached to 17 bags of the oat seed shipped to Brodhead, Wisconsin, represented the seed to have a germination of 90 percent; whereas, this seed when tested in April 1957 was found to have a germination of 64 percent.

Labels attached to 15 bags of the oat seed shipped to Brodhead, Wisconsin, represented the seed to have a germination of 90 percent; whereas, this seed when tested in April 1957 was found to have a germination of 66 percent.

On February 21, 1958, Northrup, King & Company, entered a consent to judgment of \$100 on each of two counts, or a total of \$200, which was approved by the court.

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441. False labeling of cotton seed. U. S. v. 100 bags, more or less, of cotton seed. (FS 841)

Walcott & Steele, Inc., Greenville, Mississippi, on February 12, 1958, delivered for transportation in interstate commerce from Greenville, Mississippi, to Sam Epstein Estate, Lake Village, Arkansas, 100 bags of cotton seed.

A libel was filed in the United States District Court for the Eastern District of Arkansas requesting seizure of 100 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, this seed when tested in March 1958 was found to have a germination of 45 percent with one percent hard seed remaining. The seed was seized by the United States marshal.

On May 1, 1958, the seed was delivered to the claimant with the provision that the seed would not be sold or disposed of contrary to the Federal Seed Act.

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442. False labeling of sorghum seed. U. S. v. 50 bags, more or less, of sorghum seed. (FS 842)

Hunt & Tipps Grain & Seed Company, Lubbock, Texas, on February 13, 1958, delivered for transportation in interstate commerce from Lubbock, Texas, to West Monroe, Louisiana, 50 bags of sorghum seed.

A libel was filed in the United States District Court for the Western District of Louisiana requesting seizure of 50 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, this seed when tested in March 1958 was found to have a germination of 46 percent. The seed was seized by the United States marshal.

On June 30, 1958, no claimant having appeared, the court ordered the seed destroyed.

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443. False labeling of alfalfa and sweetclover seed, failure to label, excess noxious-weed seeds, and failure to keep a complete record. U. S. v. R. C. Watland & Sons, Sioux City, Iowa. (Civil FS 844)

R. C. Watland & Sons, Sioux City, Iowa, on April 1 to 5, 1957, delivered for transportation in interstate commerce from Sioux City, Iowa, to Phil Verzani, Ponca, Nebraska, 10 bags of sweetclover seed, 25 bags of alfalfa seed, 35 bags of alfalfa seed, 12 bags of sweetclover seed, and 25 bags of sweetclover seed.

Information was filed in the United States District Court for the Northern District of Iowa alleging that R. C. Watland & Sons did unlawfully deliver for transportation in interstate commerce at least 7 bags of sweetclover seed, 3 bags of alfalfa seed, 3 bags of alfalfa seed, 2 bags of sweetclover seed, and 10 bags of sweetclover seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record of each lot as required under the act.

Labels attached to 7 bags of sweetclover seed represented the seed to have a germination of 82 percent, a hard seed percentage of 14, and a total germination and hard seed percentage of 96; whereas, this seed when tested in May 1957 was found to have a germination of 64 percent and no hard seed. In addition, a complete record of the germination of this seed was not kept and made accessible on August 8, 1957, by R. C. Watland & Sons, as required under the Federal Seed Act.

Labels attached to 3 bags of alfalfa seed represented the seed to consist, in part, of 96.98 percent pure seed, 0.32 percent inert matter, and 1.86 percent weed seed; whereas, this seed was found to consist, in part, of 93.76 percent pure seed, 3.45 percent inert matter, and 2.73 percent weed seed. In addition, a complete record of the purity of this seed was not kept and made accessible on August 8, 1957, by R. C. Watland & Sons, as required under the Federal Seed Act.

Labels giving detailed information as required under the Federal Seed Act were not attached to 3 bags of alfalfa seed. This seed was found to consist, in part, of 64.06 percent pure seed, 29.71 percent weed seed, and 6.06 percent inert matter. The seed was found to contain the secondary

noxious-weed seed, dodder, at the rate of 62 per ounce, and was found to have a germination of 57 percent with 7 percent hard seed remaining when tested in May 1957. Agricultural seed containing in excess of 5 percent weed seed is prohibited from sale in the State of Nebraska and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to 2 bags of sweetclover seed represented the seed to contain the noxious-weed seed, "mustard," at the rate of 18 per ounce and represented the seed to have a germination of 60 percent, a hard seed percentage of 10, and a total germination and hard seed percentage of 70. This seed was found to contain the noxious-weed seed, wild mustard, at the rate of 29 per ounce, and in addition, the noxious-weed seed, dock, at the rate of 17 per ounce. When tested in May 1957 the seed was found to have a germination of 20 percent with 1 percent hard seed, or a total germination and hard seed percentage of 21. In addition, a complete record of the purity and germination of this seed was not kept and made accessible on August 8, 1957, by R. C. Watland & Sons, as required under the Federal Seed Act.

Labels attached to 10 bags of sweetclover seed represented the seed to have a germination of 87 percent, 3 percent hard seed, and a total germination and hard seed percentage of 90; whereas, this seed when tested in May 1957 was found to have a germination of 35 percent and 1 percent hard seed, or a total germination and hard seed percentage of 36. In addition, a complete record of the germination of this seed was not kept and made accessible on August 8, 1957, by R. C. Watland & Sons, as required under the Federal Seed Act.

On June 30, 1958, R. C. Watland entered a consent to judgment of \$25 on each of 9 counts, or a total of \$225, plus costs of \$17.50, which was approved by the court.

INDEX, BY SHIPPER, TO PROSECUTION CASES
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<u>Shipper and Kind of Seed</u>	<u>Reference No.</u>
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Cook-Lees & Company, Portland, Oregon Ryegrass.....	421 & 423
The Albert Dickinson Company, Chicago, Illinois Chewings fescue.....	432
*A. J. Evans Marketing Agency, Inc., Fort Valley, Georgia Wheat.....	437
Johnston Seed Company, Enid, Oklahoma Mixed native grasses.....	438
*J. E. Kelley & Sons Seed Company, Gallatin, Tennessee Tall fescue.....	435
Kirkland Distributing Company, Inc., Columbia, South Carolina Cowpea and soybean.....	431
Klingaman Seed Grain Company, Waterloo, Iowa Oat.....	434
Lankart Seed Farms, Ltd., Waco, Texas Cotton.....	426
*Lipscomb Brothers, Inc., Springfield, Missouri Orchardgrass.....	439
Martin-Lane Company, Vernon, Texas Hairy vetch.....	427
*D. R. Mayo Seed Company, Knoxville, Tennessee Timothy.....	430
*Northrup, King & Company, Minneapolis, Minnesota Oat.....	440
Pedigreed Seed Company, Jersey City, New Jersey Mixed grass.....	425
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*R. C. Watland & Sons, Sioux City, Iowa	
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<u>**Shipper and Kind of Seed</u>	<u>Reference No.</u>
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Sorghum.....	442
Klein Bros., Stockton, California	
Bean.....	429
Walcott & Steele, Inc., Greenville, Mississippi	
Cotton.....	441

** The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violating the Federal Seed Act. The action in seizure cases is against the seed.